THE HONOUABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 24731 of 2006

Date:23-03-2007

Between:

Golla China Apparao .. **PETITIONER**

AND

The Govt. of A.P. and three others

..

RESPONDENTS

ORDER:

The petitioner seeks a writ of mandamus to declare the order in Letter No.3788/LTR.2/2006-1, dated 31.10.2006 issued by the first respondent rejecting the revision filed by the petitioner under Section 6 of the A.P.Scheduled Areas Land Transfer Regulations 1/59 as amended by Regulation 1/70 as illegal and arbitrary.

2. On a case filed by the Special Deputy Tahsildar, Tribal Welfare, Gangavaram under Section 3 of A.P.Scheduled Land Transfer Regulation 1/59 as amended by 1/70 for restoration of P.S. land in respect of Ac.06-95 cents situated in Sy.No.13/2A and 13/2B of Ummetta village of Gangavaram mandal for ejection of the petitioner, the Special Deputy Collector (TW), Rampachodavam passed orders in L.T.R.P.No.110/03, dated 16.10.2003 by ejecting the petitioner and for restoration of the same to the Government.

3. Aggrieved by the said orders, the petitioner herein and another filed C.M.A.No.35 of 2004 on the file of the Additional Agent to Government, Rampachodavaram-2nd respondent and the said appellate Authority by order, dated 22.10.2005 confirmed the aforesaid order.

4. Aggrieved by the same, the petitioner herein filed a revision before the first respondent and the first respondent by impugned letter No.3788/LTR.2/2006-1, dated 31.10.2006 rejected the revision on the ground that the revision has been filed after lapse of six months i.e. on 18.04.2006 against the orders of the second respondent passed on 22.10.2005.

5. The perusal of the order passed by the first respondent goes to show that the second respondent passed orders on 22.10.2005, whereas the government received the revision on 18.04.2006 i.e. within six months only. But, there is no discussion whether any limitation period is prescribed for filing revision or not. The perusal of Section 6 of A.P. Scheduled Areas Land Transfer Regulation, 1959 goes to show that no time limitation has been prescribed for filing a

revision. Insofar as appeal is concerned, under Rule 8(2) of Andhra Pradesh Scheduled Areas Land Transfer Rules 1969, subject to the provisions of Clause (b) of sub-section (3) of Section 3, every appeal under the said sub-section shall be preferred within a period of two months from the date of the decree or order appealed against. Therefore, it is clear that there is no limitation prescribed for preferring a revision unlike an appeal.

In view of the above, the writ petition is allowed setting aside the order in Letter No.3788/LTR.2/2006-1,dated 31.10.2006 passed by the first respondent and the matter is remitted to the first respondent to dispose of the revision filed by the petitioner on 18.04.2006 against the orders passed by the second respondent in C.M.A.No.35 of 2004 on 22.10.2005 in accordance with law, as expeditiously as possible after giving opportunity to the parties. There shall be no order as to costs.

_____

V.ESWARAIAH, J.

Date:23.03.2007
CCM